

2025:PHHC:034475



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**206**

**CR-245-2023 (O&M)**

**Date of Decision : 11.03.2025**

CHAMAN LAL

... Petitioner

VERSUS

RATTAN DHARA CHARITABLE RELIGIOUS TRUST

.... Respondent

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Dr. Rishi Pal Singh, Advocate for the petitioner.

Mr. Rajinder Goel, Advocate for the respondent.

**ALKA SARIN, J. (ORAL)**

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 06.12.2022 (Annexure P-1) passed by the learned Civil Judge (Senior Division), Kurukshetra whereby the evidence of the petitioner was closed by order in an application filed under Order 9 Rule 13 CPC and the order dated 12.12.2022 whereby an application filed for recalling of the order dated 06.12.2022 (Annexure P-1) was dismissed.

2. Brief facts relevant to the present *lis* are that the petitioner herein filed a suit for possession by way of specific performance of the contract dated 04.07.2011 which was decreed *ex parte* vide judgment and decree dated 18.09.2015. An execution petition was filed by the petitioner herein. Meanwhile, the respondent filed an application under Order 9 Rule 13 CPC read with Section 151 CPC challenging the order dated 27.09.2012 vide which

the respondent herein was proceeded against *ex parte* and for setting aside the judgment and decree dated 18.09.2015. Vide order dated 06.12.2022 the evidence of the petitioner was closed by order. The petitioner filed an application for recalling of the order dated 06.12.2022 which application was dismissed vide order dated 12.12.2022. Hence, the present revision petition.

3. Learned counsel for the petitioner would contend that bailable warrants were issued qua one of the witnesses which were received back unserved. Learned counsel for the petitioner today states that only documentary evidence needs to be tendered and no other witness needs to be examined.

4. *Per contra*, learned counsel for the respondent has contended that petitioner's evidence was closed as despite 15 opportunities the evidence was not led. It is further the contention that on the one hand the proceedings in the application under Order 9 Rule 13 CPC are being delayed and on the other hand execution proceedings are being pressed upon by the petitioner herein.

5. Heard.

6. The limited prayer made by the learned counsel for the petitioner is that the petitioner be given one opportunity to tender the document(s) and that the petitioner does not wish to lead any further evidence or to examine any further witness. No doubt that the petitioner has been remiss in leading his evidence however, in order to do complete justice between the parties and in view of the fact that there is an *ex parte* judgment and decree in favour of the petitioner, which is now sought to be set aside on an application filed under Order 9 Rule 13 CPC, one opportunity is granted to the petitioner to tender

his documentary evidence on the next date of hearing fixed before the Trial Court. However, it is made clear that in case the documents are not tendered in evidence on the date fixed before the Trial Court, the present revision petition shall be deemed to having been dismissed.

7. Since the execution proceedings are pending and as per the law laid down by the Hon'ble Supreme Court in the case of **Periyammal (dead) through LRs & Ors. V/s V. Rajamani & Anr. [2025 SCC Online (SC) 507]** that all the execution petitions are to be decided within a period of six months, the Trial Court is requested to expedite the hearing of the application under Order 9 Rule 13 CPC and to decide the same within a period of two months from the date of receipt of the certified copy of this order. The Trial Court is further requested not grant any unnecessary adjournments to either of the parties.

8. The present revision petition stands disposed off in the above terms. Pending applications, if any, also stand disposed off.

**11.03.2025**  
*Aman Jain*

**(ALKA SARIN)**  
**JUDGE**

*NOTE: Whether speaking/non-speaking: Speaking*  
*Whether reportable: Yes/No*